

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| In re: ELINETTE VALENTIN, Debtor SPECIALIZED LOAN SERVICING, LLC AS SERVICER FOR STRUCTURED ASSET INVESTMENT LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, Movant v. ELINETTE VALENTIN and SCOTT F. WATERMAN, Chapter 13 Trustee Respondents | Bankruptcy No. 18-16792-elf Chapter 13 Hearing Date: 12/19/2019 Time: 11:00 a.m. Location: Courtroom #1, Madison Building Response Deadline: 12/09/2019 |
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

AND NOW COMES Specialized Loan Servicing, LLC as Servicer for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-3, U.S. Bank National Association, as Trustee (the “Movant”) by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this *Motion for Relief from the Automatic Stay and Co-Debtor Stay* (the “Motion”), representing as follows:

THE PARTIES

1. Movant is a mortgage servicer.
2. Elinette Valentin (the “Debtor”) is an adult individual with a place of residence located at 913 S. 10th St, Allentown, Pennsylvania 18103.
3. Victor Velez (the non-filing “Co-Debtor”) is an adult individual with a place of residence believed to be located at 913 S. 10th St, Allentown, Pennsylvania 18103.
4. Scott F. Waterman is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

5. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

6. On or about October 11, 2018, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

7. On or about October 18, 2005, Debtor and Co-Debtor purchased the real property known as 913 S. 10th St, Allentown, Pennsylvania 18103 (the “Property”).

8. Movant holds a residential first mortgage (the “Mortgage”) on the Property, recorded in the Office of the Recorder of Deeds for Lehigh County, PA, to secure a Note (the “Note”) with a principal balance of \$102,600.00. True and correct copies of the Mortgage, Note, Assignment of Mortgage, and Loan Modification are attached hereto as **EXHIBITS A—D**, respectively.

9. The outstanding balance owed to Movant on the above referenced Note is \$121,639.27. See **EXHIBIT E**.

10. Pursuant to the Note, mortgage payments are due on the 1st day of each month. The current monthly mortgage payment is \$1,067.46.

11. Debtor has estimated the value of the Property at \$76,988.00 on Schedule D of the Voluntary Petition.

12. Debtor’s Chapter 13 Plan requires Debtor to make monthly Mortgage payments to Movant outside of the Plan.

13. Debtor has failed to make post-petition mortgage payments due to Movant. Debtor is currently four (4) post-petition payments in arrears and is due for the August 2019 post-petition payment.

14. Therefore, Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because Debtor has failed to make post-petition Mortgage payments to Movant. 11 U.S.C. §362(d)(1).

15. In the event relief from stay is granted, Movant further requests relief from the co-debtor stay to pursue the Co-Debtor for any amounts remaining due and owing pursuant to the underlying Note subsequent to the sale of the collateral. 11 U.S.C. § 1301(c).

16. Specialized Loan Servicing, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

WHEREFORE, Movant respectfully requests that this Honorable Court enter an Order granting Movant relief from the automatic stay and from the co-debtor stay with regard to the real property located at 913 S. 10th St, Allentown, Pennsylvania 18103.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Loan Trust Mortgage Pass-Through
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Association, as Trustee*

Dated: November 25, 2019